

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA	)	Criminal No.:
)	
v.	)	Ct. 1: 18 U.S.C. §1512(k)
	)	(Conspiracy To Tamper With A
DENIS RIVERA,	)	Witness Or An Informant)
also known as: "Conejo,")	
Cts. 1, 2, 3, 4 & 5	)	Ct. 2: 18 U.S.C. §1513(e)
	)	(Conspiracy To Retaliate Against A
OSCAR ANTONIO GRANDE,	)	Witness Or An Informant)
also known as: "Pantera,")	
Cts. 1, 2, 3, 4 & 5	)	Ct. 3: 18 U.S.C. §§2 & 1121(a)(2)
	)	(Killing A Person Aiding A Federal
ISMAEL JUAREZ CISNEROS,	)	Investigation)
also known as: "Arana,")	
Cts. 1, 2, 3, 4 & 5	)	Ct. 4: 18 U.S.C. §§2 & 1512(a)(1)
	)	(Tampering With A Witness Or An
OSCAR ALEXANDER GARCIA-	)	Informant)
ORELLANA,)	
also known as: "Gato,"	)	Ct. 5: 18 U.S.C. §§2 & 1513(a)(1)
Cts. 1, 2, 3, 4 & 5	)	(Retaliating Against A Witness Or
	)	An Informant)
Defendants.)	

_____ JUNE 2004 TERM - AT ALEXANDRIA

INDICTMENT

THE GRAND JURY CHARGES THAT:

GENERAL ALLEGATIONS

At all times material to this indictment:

1. The defendants, DENIS RIVERA, also known as "Conejo," OSCAR ANTONIO GRANDE, also known as "Pantera," ISMAEL JUAREZ CISNEROS, also known as "Arana," and OSCAR ALEXANDER GARCIA-ORELLANA, also

known as "Gato," were members of the Mara Salvatrucha, also known as "MS-13." MS-13 was a violent gang involved in a variety of criminal enterprises including auto thefts, narcotic sales, illegal firearm sales, aggravated assaults, murder, rape, threats and witness intimidation - all in the Eastern District of Virginia and elsewhere.

2. MS-13 originated in El Salvador and spread to the United States where it now has members throughout the country with large, established concentrations in California and Texas. MS-13 recruited predominantly from the Hispanic community and typically among juveniles, some as young as 13 years old. Recruits were "jumped" into the gang by being physically beaten by members while a member counted to 13. MS-13 gang members typically tattooed their bodies to identify their membership in, and allegiance to, MS-13, although some members deliberately avoided such tattoos in an effort to avoid detection by law enforcement and to preserve their ability to approach and attack rival gang members without warning. MS-13 gang tattoos typically included large block "M" and "S" letters, the number "13," the member's clique, and the MS-13 hand sign which represented both an inverted "M" and the face of the devil with outstretched fingers representing the devil's horns. The tattoos were commonly located on members' shoulders, chest, back and sometimes were placed on their chins, foreheads, and knuckles.

3. MS-13 rules were indoctrinated into new recruits and ruthlessly enforced. One prominent rule commanded silence about gang activity and forbid

cooperation with law enforcement. The sanction for violating the code of silence was a “green light.” A “green light” was a signal that the gang had approved the killing of someone suspected of cooperating with law enforcement. The killing of those who cooperated with the government and provided information to law enforcement served as a clear warning to others who might consider informing on MS-13.

4. The MS-13 gang was broken into cliques that held regular individual meetings and sent leaders to larger regional meetings to maintain control and resolve problems within the gang. MS-13 meetings were called “masses” and typically occurred within hotel rooms or parks in the Eastern District of Virginia and elsewhere. Attendance was mandatory among the membership of MS-13 and failure to attend was punished by beatings.

5. The defendant DENIS RIVERA, also known as “Conejo,” was the leader of the “BGLS” clique of MS-13. “BGLS” stood for the Big Gangsters Locos Salvatrucha and was a new clique RIVERA established. The “BGLS” clique was based in the City of Alexandria and Arlington County areas within the Eastern District of Virginia.

6. The defendants OSCAR ANTONIO GRANDE, also known as “Pantera,” and ISMAEL JUAREZ CISNEROS, also known as “Arana,” were senior members of the “CLS” clique of MS-13. “CLS” stood for the Centrales Locos Salvatrucha and was an established MS-13 clique in the Eastern District of Virginia. Its membership was based in Arlington and Fairfax Counties and

extended into Maryland.

7. The defendant OSCAR ALEXANDER GARCIA-ORELLANA, also known as “Gato,” belonged to the “MDLS” clique of MS-13, also known as the Modesto Locos Salvatrucha. Through attrition, caused by deportation, incarceration, and injury or death, membership in the “MDLS” clique had declined and the remaining members associated with “CLS.”

8. Other cliques located in the Eastern District of Virginia and elsewhere included the “VLS,” also known as the Virginia Locos Salvatrucha, the “GLS,” also known as the Gangster Locos Salvatrucha, the “PLS,” also known as the Pino Locos Salvatrucha, the “PVLS,” also known as the Park View Locos Salvatrucha, the “SLSW,” also known as the Sailors Locos Salvatrucha, the “SLS,” also known as the Silvas Locos Salvatrucha, the “ULS,” also known as the United Locos Salvatrucha and the “WLS,” also known as the Western Locos Salvatrucha.

9. The victim in this case, Brenda Paz, also known as “Smiley,” belonged to the “NLS” clique of MS-13, also known as the Normandies or Normandy Locos Salvatrucha, based in Texas. Brenda Paz grew up in Los Angeles, California, and later resided in Texas. At the time of her murder on July 13, 2003, Brenda Paz, also known as “Smiley,” was 17 years old and pregnant. Brenda Paz’s anticipated delivery date was December 20, 2003.

10. MS-13 members utilized nicknames, often referred to as tags, to identify themselves within the gang. The defendants’ MS-13 nicknames are Conejo (Spanish for Rabbit), Pantera (Spanish for Panther), Arana (Spanish for

Spider) and Gato (Spanish for Cat).

11. On September 16, 2001, members of MS-13, including DENIS RIVERA, also known as “Conejo,” took 20-year-old Joaquin Diaz to Daingerfield Island, a federal park off the George Washington Memorial Parkway, and murdered him with knives. Joaquin Diaz was murdered because RIVERA believed Joaquin Diaz was a “chavala,” a member of a rival gang.

12. On September 25, 2002, Brenda Paz, also known as “Smiley,” was interviewed by a Special Agent of the Federal Bureau of Investigation (FBI) and a federal prosecutor about MS-13 and its criminal activities. Brenda Paz revealed her extensive knowledge of MS-13 and its criminal activities, including admissions made to her by DENIS RIVERA about his involvement in the murder of Joaquin Diaz. Brenda Paz later told her court appointed legal guardian that RIVERA had told her cutting Joaquin Diaz’s throat was like cutting through a chicken.

13. Thereafter Brenda Paz, also known as “Smiley,” was placed in a safe house maintained by the FBI pending her placement in the Federal Witness Protection Program. While in the FBI safe house, Brenda Paz maintained contact with MS-13 and in particular the CLS clique of MS-13.

14. On April 10, 2003, DENIS RIVERA, also known as “Conejo,” was arraigned in United States District Court in the Eastern District of Virginia, Alexandria Division, on a Superseding Indictment in criminal case number 02-CR-376-A, charging him with the premeditated murder of Joaquin Diaz in a federal park. RIVERA’s federal trial was scheduled for July 14, 2003. RIVERA was

incarcerated under the custody of the United States Marshal.

15. While DENIS RIVERA, also known as “Conejo,” was incarcerated, he communicated with other members of his gang, MS-13, from the Arlington and Fairfax County Detention Facilities by telephone, mail, personal visits, and messages passed through intermediaries. RIVERA’s communications sought to identify and silence witnesses against him in his approaching federal trial in the Eastern District of Virginia.

16. Brenda Paz, also known as “Smiley,” entered the Witness Protection Program in March 2003, and was relocated outside the Washington Metropolitan Region. Brenda Paz voluntarily left the Witness Protection Program on or about June 16, 2003, and returned to Virginia where she stayed with members of MS-13 in the Eastern District of Virginia and elsewhere.

17. OSCAR ANTONIO GRANDE, also known as “Pantera,” ISMAEL JUAREZ CISNEROS, also known as “Arana,” and OSCAR ALEXANDER GARCIA-ORELLANA, also known as “Gato,” who were not incarcerated, communicated with DENIS RIVERA, also known as “Conejo,” in an effort to determine whether Brenda Paz, also known as “Smiley,” was cooperating with law enforcement authorities and thereby violating the code of MS-13. These communications were through intermediaries, letters, and telephone conversations.

18. These communications utilized a number of techniques to defeat discovery by law enforcement, including the use of nicknames, slang, code, and telephone calls placed by DENIS RIVERA, also known as “Conejo,” under the

names of other incarcerated inmates at the jails.

19. To aid DENIS RIVERA, also known as “Conejo,” in his then pending federal murder trial and to enforce the rule of silence and non-cooperation with law enforcement, OSCAR ANTONIO GRANDE, also known as “Pantera,” ISMAEL JUAREZ CISNEROS, also known as “Arana,” and OSCAR ALEXANDER GARCIA-ORELLANA, also known as “Gato,” monitored the actions of Brenda Paz, also known as “Smiley,” and conducted an investigation into whether she had assisted law enforcement authorities in their pending murder case against RIVERA and other investigations focused on the criminal activities of MS-13 in the Eastern District of Virginia and elsewhere.

COUNT ONE

(Conspiracy To Tamper With A Witness Or An Informant)

THE GRAND JURY FURTHER CHARGES THAT:

THE CONSPIRACY

1. The Grand Jury realleges and incorporates by reference the GENERAL ALLEGATIONS of this Indictment.

2. Beginning on or about August 8, 2002, and continuing thereafter up to on or about August 17, 2003, defendants DENIS RIVERA, also known as “Conejo,” OSCAR ANTONIO GRANDE, also known as “Pantera,” ISMAEL JUAREZ CISNEROS, also known as “Arana,” OSCAR ALEXANDER GARCIA-ORELLANA, also known as “Gato,” and an unindicted male juvenile, “J.L.,” and others known and unknown to the Grand Jury, did unlawfully, willfully, and knowingly combine, conspire, confederate, and agree together and with others known and unknown to the Grand Jury to commit the following offense against the United States: unlawfully, willfully and knowingly, with premeditation and malice aforethought, to murder Brenda Paz, also known as “Smiley,” to prevent her attendance and testimony in an official proceeding, including the then-pending prosecution of DENIS RIVERA in case number 02-CR-376-A in the Eastern District of Virginia, and to prevent her communication to law enforcement officers and a judge of the United States of information relating to the commission or possible commission of Federal offenses, including the murder of Joaquin Diaz by DENIS RIVERA and other members of the Mara Salvatrucha, also known as “MS-13,” as well as other criminal offenses committed by MS-13, by luring Brenda Paz from Fairfax, Virginia, in the Eastern District of Virginia, to Shenandoah, Virginia, where Brenda Paz was killed by means of stabbing her with

knives.

OVERT ACTS

In furtherance of the said conspiracy and to effect the objects thereof, the defendants and other conspirators committed the following overt acts in the Eastern District of Virginia and elsewhere, including, but not limited to, the following:

1. DENIS RIVERA, also known as “Conejo,” while incarcerated, wrote an undated letter addressed to Karateka of the “PVLS,” also known as the Park View Locos Salvatrucha clique of MS-13, and signed “BIG CONEJO.” The letter discussed his then-pending federal charges which were committed: “when I was a juvenile, but they [the federal prosecutors] jumped it [to try me] as an adult. The problem that worries me the most [buddy] is that of the death [murder] and in this regard I would like to ask you a favor, because the stupid faggot of Lucifer [ratted on me] and the asshole rat of Maldito is making a deal with the FBI and he is no longer in Alexandria.” RIVERA went on to discuss the problems presented by these former codefendants cooperating with the authorities and possibly testifying against him in his pending federal murder trial.

2. In an undated letter addressed to his then codefendant in the federal murder trial, “Lucifer,” also known as Andy Salinas, of the “VLS” clique of MS-13, DENIS RIVERA, also known as “Conejo,” concluded: “Firm homeboys have to be outside not rats. All right homes, take care and trucha with claws. Saying goodbye Mr. Conejo of the Big MS 3C, BGLS.” Across the top of his letter, RIVERA wrote: “This letter is for the toilet.” RIVERA assured Lucifer that the

witnesses would not show up for trial and their codefendant, Maldito, also known as Angel Barrera, of the VLS clique of MS-13, would not convict him at trial because “I don’t think that I will lose the case if it is only that stupid faggot the chavala Maldito [name crossed out] who rats on me, because he did not get out of the [car] and therefore he did not see who filleted the worm. My lawyer tells me that if he is the only rat that they [the federal prosecutors] have, that they will eat him up and that I will win.”

3. On or about May 13, 2003, at approximately 10:18 p.m., DENIS RIVERA, also known as “Conejo,” and a juvenile male member of MS-13 known to the Grand Jury, discussed whether Brenda Paz was providing information to law enforcement, with RIVERA stating: “[t]o hell with that fucking bitch, I think she shat on my banana [spoke with law enforcement]” and directed the juvenile MS-13 member to “[t]alk to her about the child, the abortion, homes, because [unintelligible] if I arrive one day and I make her like that and both of them leave, it’s better for only one to leave”

4. On or about May 13, 2003, at approximately 10:56 p.m., DENIS RIVERA, also known as “Conejo,” had a male juvenile member of MS-13, whose identity is known to the Grand Jury, placed a call to Brenda Paz, also known as “Smiley,” while she was at a Marriott Hotel in Kansas City, Missouri which RIVERA surreptitiously monitored to determine whether “Smiley” was snitching on him. RIVERA directed the juvenile MS-13 member to tell “Smiley” that he is getting out in a couple months and that he is going to come looking for her. “Smiley” told the juvenile MS-13 member that “Conejo” will be lucky if the federal

government doesn't "kill him." After confirming that "Smiley" was no longer on the line, the juvenile MS-13 member told RIVERA that he thought that "Smiley" was the snitch and RIVERA stated "I am a stupid fuck for being so trusting homes" and "[i]f I get out one day, she can go to hell, that fucking bitch, homes."

5. On or about May 14, 2003, during a recorded telephone call at approximately 11:51 a.m., DENIS RIVERA, also known as "Conejo," and a juvenile male member of MS-13 known to the Grand Jury, again discussed Brenda Paz, also known as "Smiley," and whether she was cooperating with law enforcement authorities against RIVERA. RIVERA explained that: "[a]s long as she gets here [to Virginia], then, that will be another problem" to which the juvenile member of MS-13 replied: "Once she is there . . . best she doesn't talk foolish things anymore." RIVERA explained that he was "going to test her," "I'm going to make something up. As if something happened, that the homeboys did something, but nobody is going to know And if the [cops] call[] me, and ask[] me what's going on, if something has happened, it will mean that yes, she is ratting." RIVERA continued that he would set her up and "[o]ne has to be tough" and "[i]f she wants to play games, we will play games." RIVERA concluded that if she was ratting, they would plant her "in a park."

6. On or about July 3, 2003, during a recorded telephone call at approximately 10:45 p.m., DENIS RIVERA, also known as "Conejo," and a juvenile male member of MS-13 known to the Grand Jury, discussed the return to Virginia of Brenda Paz, also known as "Smiley," and that she was with members

of MS-13 who would be killing her “in a short while.”

7. On or about July 5, 2003, during a recorded telephone call at approximately 9:49 p.m., DENIS RIVERA, also known as “Conejo,” and ISMAEL JUAREZ CISNEROS, also known as “Arana,” discussed RIVERA’s pending charges in federal court and the anticipated federal government witnesses, including Brenda Paz, also known as “Smiley,” about whom RIVERA promised to write a letter to CISNEROS identifying “all the problems.”

8. On or about July 5, 2003, during a recorded telephone call at approximately 10:19 p.m., DENIS RIVERA, also known as “Conejo,” informed a juvenile male member of his clique, BGLS of MS-13, whose identity is known to the Grand Jury, that the Centrales clique of MS-13, also known as “CLS,” had Brenda Paz with them and they “are investigating the problem and they are asking [RIVERA] what” RIVERA then stopped talking and told his juvenile gang member that he will write him a letter in code explaining the details.

9. On or about July 12, 2003, OSCAR ANTONIO GRANDE, also known as “Pantera,” ISMAEL JUAREZ CISNEROS, also known as “Arana,” and OSCAR ALEXANDER GARCIA-ORELLANA, also known as “Gato,” and other members of the CLS clique of MS-13 met at the Holiday Inn Fair Oaks, Room 318, in Fairfax, Virginia, in the Eastern District of Virginia, and discussed Brenda Paz, also known as “Smiley,” and her cooperation with and assistance to law enforcement.

10. On or about July 12, 2003, OSCAR ANTONIO GRANDE, also known as “Pantera,” ISMAEL JUAREZ CISNEROS, also known as “Arana,” and

OSCAR ALEXANDER GARCIA-ORELLANA, also known as “Gato,” agreed during the general meeting of the CLS clique of MS-13 to kill Brenda Paz because she was a witness against DENIS RIVERA and because she was a potential witness against other members of MS-13 for their criminal activities.

11. On or about July 12, 2003, OSCAR ANTONIO GRANDE, also known as “Pantera,” borrowed a white, 1992 Mazda Navajo 2-door sport utility vehicle, Georgia License No. 185XBF, to transport himself, ISMAEL JUAREZ CISNEROS, also known as “Arana,” and OSCAR ALEXANDER GARCIA-ORELLANA, also known as “Gato,” together with Brenda Paz, also known as “Smiley,” from the Holiday Inn Fair Oaks in Fairfax, Virginia, to Shenandoah, Virginia.

12. On or about July 13, 2003, OSCAR ANTONIO GRANDE, also known as “Pantera,” ISMAEL JUAREZ CISNEROS, also known as “Arana,” and OSCAR ALEXANDER GARCIA-ORELLANA, also known as “Gato,” traveled with Brenda Paz, also known as “Smiley,” from the Eastern District of Virginia to Shenandoah County, Virginia, to murder her.

13. On or about July 13, 2003, OSCAR ANTONIO GRANDE, also known as “Pantera,” ISMAEL JUAREZ CISNEROS, also known as “Arana,” and OSCAR ALEXANDER GARCIA-ORELLANA, also known as “Gato,” took Brenda Paz, also known as “Smiley,” from the Eastern District of Virginia to Shenandoah County, Virginia, in an effort to distance the murder scene from the CLS clique of MS-13 in Northern Virginia.

14. On or about July 13, 2003, OSCAR ANTONIO GRANDE, also

known as “Pantera,” ISMAEL JUAREZ CISNEROS, also known as “Arana,” and OSCAR ALEXANDER GARCIA-ORELLANA, also known as “Gato,” enticed Brenda Paz, also known as “Smiley,” to accompany them along the banks of the Shenandoah River on the pretense of doing some early morning fishing along the riverbank a distance from the nearest road.

15. On or about July 13, 2003, OSCAR ANTONIO GRANDE, also known as “Pantera,” ISMAEL JUAREZ CISNEROS, also known as “Arana,” and OSCAR ALEXANDER GARCIA-ORELLANA, also known as “Gato,” murdered Brenda Paz, also known as “Smiley,” along the banks of the Shenandoah River in Shenandoah County, Virginia, and left her body in a secluded area there in an effort to conceal their identity, delay the discovery of her body, and permit them to leave the vicinity.

16. On or about July 13, 2003, OSCAR ANTONIO GRANDE, also known as “Pantera,” ISMAEL JUAREZ CISNEROS, also known as “Arana,” and OSCAR ALEXANDER GARCIA-ORELLANA, also known as “Gato,” told Brenda Paz, also known as “Smiley,” as they murdered her along the banks of the Shenandoah River in Shenandoah County, Virginia, that she was being murdered because she had cooperated with law enforcement.

17. In the weeks after OSCAR ANTONIO GRANDE, also known as “Pantera,” ISMAIL JUAREZ CISNEROS, also known as “Arana,” and OSCAR ALEXANDER GARCIA-ORELLANA, also known as “Gato,” murdered Brenda Paz, also known as “Smiley,” they threatened to kill anyone who revealed to law enforcement details of their departure from the Holiday Inn Fair Oaks with Brenda

Paz, also known as “Smiley,” on July 13, 2003.

18. On July 29, 2003, during a recorded telephone call at approximately 10:24 p.m., DENIS RIVERA, also known as “Conejo,” and a juvenile male member of MS-13 discussed the murder of Brenda Paz, also known as “Smiley,” and whether it was being discussed at the general meetings of MS-13, called “masses.”

19. On July 29, 2003, at approximately 10:24 p.m., DENIS RIVERA, also known as “Conejo,” using another inmate’s name and personal identification number (PIN) to place the telephone call, told a female whose identity is known to the Grand Jury that “Smiley” was dead and that the lesson is that those who “rat on ‘Conejo’” die: “They rat and that’s it.”

20. On July 31, 2003, after OSCAR ANTONIO GRANDE, also known as “Pantera,” ISMAEL JUAREZ CISNEROS, also known as “Arana,” and OSCAR ALEXANDER GARCIA-ORELLANA, also known as “Gato,” murdered Brenda Paz, also known as “Smiley,” GARCIA-ORELLANA reported to DENIS RIVERA, also known as “Conejo,” both by letter and by telephone, that Smiley was dead and would not be testifying against RIVERA in his then pending federal murder trial in the Eastern District of Virginia. GARCIA-ORELLANA told RIVERA during a telephone conversation at approximately 10:14 p.m. on July 31, 2003, that “I know that your heart will be filled with joy” upon learning they had murdered “Smiley.”

21. On August 6, 2003, DENIS RIVERA, also known as “Conejo,” during a telephone conversation placed by him using another inmate’s name and

personal identification number (PIN) at approximately 10:11 p.m., discussed the remaining witnesses against him in his pending federal murder trial and stated that he hoped that he was sent to the same jail where Lucifer, also known as Andy Salinas, and Maldito, also known as Angel Barrera, were sent and that there are “ice picks” available at this jail so that RIVERA could “apply the law” of MS-13 to them.

22. On August 10, 2003, during a recorded telephone call at approximately 9:29 p.m., DENIS RIVERA, also known as “Conejo,” discussed with other juvenile and adult members of MS-13, whose identities are known to the Grand Jury, the front page newspaper article reporting the murder of Brenda Paz, also known as “Smiley.” RIVERA explained that “they talk about me . . . that she was going to rat on me, and all that.” RIVERA told the other gang members that “it is right there in the front page” and “it tells everything about the Mara, that we are running crazy (laughing from RIVERA) . . . they wrote a good story . . . with the big Mara you don’t play (more laughing from RIVERA).” RIVERA continued: “all those bitches just look at what happened and they get panicked.”

23. On August 12, 2003, during a recorded call at approximately 10:06 p.m., DENIS RIVERA, also known as “Conejo,” assured a juvenile male member of MS-13 that law enforcement investigators were not taping his calls, that many people are named “Smiley,” and therefore law enforcement would not be able to prove which “Smiley” they were discussing and “Why should I worry, if [chuckles] if I don’t know, if I don’t know anything, homes, I’m locked up.”

24. On August 12, 2003, during a recorded telephone call at approximately 10:39 p.m., DENIS RIVERA, also known as "Conejo," told a juvenile male member of MS-13 that he was 100% sure that law enforcement investigators were taping the juvenile's telephone and that they should not talk to the cops, that the gang should toughen up any members who were considering talking to the cops, and that they should destroy the letters RIVERA wrote them. RIVERA instructed them to flush all the letters.

(In violation of Title 18, United States Code, Section 1512(k).)

COUNT TWO

(Conspiracy To Retaliate Against A Witness Or An Informant)

THE GRAND JURY FURTHER CHARGES THAT:

THE CONSPIRACY

1. The Grand Jury realleges and incorporates by reference the GENERAL ALLEGATIONS of this Indictment and OVERT ACTS 1-24 as set forth in Count One above.

2. Beginning on or about August 8, 2002, and continuing thereafter up to on or about August 17, 2003, defendants DENIS RIVERA, also known as "Conejo," OSCAR ANTONIO GRANDE, also known as "Pantera," ISMAEL JUAREZ CISNEROS, also known as "Arana," OSCAR ALEXANDER GARCIA-ORELLANA, also known as "Gato," and an unindicted male juvenile, "J.L.," and others known and unknown to the Grand Jury, did unlawfully, willfully, and knowingly combine, conspire, confederate, and agree together and with others known and unknown to the grand jury to commit the following offense against the United States: unlawfully, willfully, knowingly, with premeditation and malice aforethought, to murder Brenda Paz, also known as "Smiley," to retaliate against her for providing to law enforcement officers information relating to the commission of Federal offenses, including the then-pending federal murder trial of DENIS RIVERA in the Eastern District of Virginia, and further including information relating to the commission or possible commission of federal criminal offenses committed by Mara Salvatrucha, also known as "MS-13," by luring Brenda Paz from Fairfax, Virginia, in the Eastern District of Virginia, to Shenandoah, Virginia, where Brenda Paz was killed by means of stabbing her with

knives.

(In violation of Title 18, United States Code, Section 1513(e).)

COUNT THREE

(Killing A Person Aiding A Federal Investigation)

THE GRAND JURY FURTHER CHARGES THAT:

1. The Grand Jury realleges and incorporates by reference the GENERAL ALLEGATIONS of this Indictment.

2. On or about July 13, 2003, defendants DENIS RIVERA, also known as “Conejo,” OSCAR ANTONIO GRANDE, also known as “Pantera,” ISMAEL JUAREZ CISNEROS, also known as “Arana,” OSCAR ALEXANDER GARCIA-ORELLANA, also known as “Gato,” and an unindicted male juvenile, “J.L.,” and others known and unknown to the Grand Jury, with premeditation and malice aforethought, did intentionally, unlawfully, willfully, and knowingly murder Brenda Paz, also known as “Smiley,” a person assisting a Federal criminal investigation in the Eastern District of Virginia, while that assistance was being rendered and because of it, by luring Brenda Paz from Fairfax, Virginia, in the Eastern District of Virginia, to Shenandoah, Virginia, where Brenda Paz was killed by means of stabbing Brenda Paz with knives, and did aid, abet, and assist each other and others in the commission of said offense.

(In violation of Title 18, United States Code, Sections 2 and 1121(a)(2).)

COUNT FOUR
_____ **(Tampering With A Witness Or An Informant)**

THE GRAND JURY FURTHER CHARGES THAT:

1. The Grand Jury realleges and incorporates by reference the GENERAL ALLEGATIONS of this Indictment.

2. On or about July 13, 2003, defendants DENIS RIVERA, also known as “Conejo,” OSCAR ANTONIO GRANDE, also known as “Pantera,” ISMAEL JUAREZ CISNEROS, also known as “Arana,” OSCAR ALEXANDER GARCIA-ORELLANA, also known as “Gato,” and others known and unknown to the Grand Jury, with premeditation and malice aforethought, did unlawfully, willfully, and knowingly murder Brenda Paz, also known as “Smiley,” to prevent her attendance and testimony in an official proceeding, including the then-pending prosecution of DENIS RIVERA in case number 02-CR-376-A in the Eastern District of Virginia, and to prevent her communication to law enforcement officers and a judge of the United States of information relating to the commission or possible commission of Federal offenses, including the murder of Joaquin Diaz by DENIS RIVERA and other members of the Mara Salvatrucha, also known as “MS-13,” as well as other criminal offenses committed by MS-13, by luring Brenda Paz from Fairfax, Virginia, in the Eastern District of Virginia, to Shenandoah, Virginia, where Brenda Paz was killed by means of stabbing her with knives, and did aid, abet, and assist each other and others in the commission of said offense.

(In violation of Title 18, United States Code, Sections 2 & 1512(a)(1).)

COUNT FIVE
(Retaliating Against A Witness Or An Informant)

THE GRAND JURY FURTHER CHARGES THAT:

1. The Grand Jury realleges and incorporates by reference the GENERAL ALLEGATIONS of this Indictment.

2. On or about July 13, 2003, defendants DENIS RIVERA, also known as “Conejo,” OSCAR ANTONIO GRANDE, also known as “Pantera,” ISMAEL JUAREZ CISNEROS, also known as “Arana,” OSCAR ALEXANDER GARCIA-ORELLANA, also known as “Gato,” and others known and unknown to the Grand Jury, with premeditation and malice aforethought, did unlawfully, willfully, and knowingly murder Brenda Paz, also known as “Smiley,” to retaliate against her for providing to law enforcement officers information relating to the commission of Federal offenses, including the criminal activities of the Mara Salvatrucha, also known as MS-13, and including information concerning the then-pending federal murder trial of DENIS RIVERA in the Eastern District of Virginia, by luring Brenda Paz from Fairfax, Virginia, in the Eastern District of Virginia, to Shenandoah, Virginia, where Brenda Paz was killed by means of stabbing her with knives, and did aid, abet, and assist each other and others in the commission of said offense.

(In violation of Title 18, United States Code, Sections 2 & 1513(a)(1)(B).)

NOTICE OF SPECIAL FINDINGS

As to Counts One through Five, the defendants DENIS RIVERA, also known as “Conejo,” OSCAR ANTONIO GRANDE, also known as “Pantera,” ISMAEL JUAREZ CISNEROS, also known as “Arana,” and OSCAR ALEXANDER GARCIA-ORELLANA, also known as “Gato”:

- a. were 18 years of age or older at the time of the offenses;
- b. intentionally killed Brenda Paz, also known as “Smiley” (Title 18, United States Code, Section 3591(a)(2)(A));
- c. intentionally inflicted serious bodily injury that resulted in the death of Brenda Paz, also known as “Smiley” (Title 18, United States Code, Section 3591(a)(2)(B));
- d. intentionally participated in one or more acts, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than a participant in the offense, and Brenda Paz, also known as “Smiley” died as a direct result of such act or acts (Title 18, United States Code, Section 3591(a)(2)(C));
- e. intentionally and specifically engaged in one or more acts of violence, knowing that the act or acts created a grave risk of death to a person, other than one of the participants in the offense, such that participation in such acts constituted a reckless disregard for human life, and Brenda Paz, also known as “Smiley,” died as a direct result of such act or acts (Title 18, United States Code, Section 3591(a)(2)(D));
- f. committed the offense in an especially heinous, cruel, or depraved

manner in that it involved torture and serious physical abuse to Brenda Paz, also known as “Smiley” (Title 18, United States Code, Section 3592(c)(6));

g. committed the offense after substantial planning and premeditation to cause the death of Brenda Paz, also known as “Smiley” (Title 18, United States Code, Section 3592(c)(9)).

As to Counts One through Five, the defendant DENIS RIVERA, also known as “Conejo,” has previously been convicted of another Federal offense resulting in the death of Joaquin Diaz, for which a sentence of life imprisonment or a sentence of death was authorized by statute, namely Title 18, United States Code, Section 1111 (Premeditated Murder) in United States v. Denis Rivera, also known as “Conejo”, Criminal Number 02-CR-376-A (Title 18, United States Code, Section, 3592(c)(3)).

A TRUE BILL:

FOREPERSON

Paul J. McNulty
United States Attorney

Ronald L. Walutes, Jr.
Assistant United States Attorney

Patricia T. Giles
Assistant United States Attorney